

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE MERCK & CO., INC. SECURITIES, DERIVATIVE & "ERISA" LITIGATION	: : :	MDL No. 1658 (SRC) Civil Action No. 2:05-CV-2367 (SRC)(CLW)
THIS DOCUMENT RELATES TO: THE AFA LIVFÖRSÄKRINGSAKTIEBOLAG ACTION: CIVIL ACTION NO. 07-04024 (SRC)(CLW)	: : : : :	Civil Action No. 07-04024 (SRC)(CLW)

STIPULATED ORDER OF DISMISSAL PURSUANT TO FED. R. CIV. P. 41(a)(1)(A)(ii)

WHEREAS Plaintiff Fjärde AP-fonden ("Plaintiff") wishes to voluntarily dismiss its claims in the above-referenced direct action in its entirety pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure;

WHEREAS Defendants, by and through their respective counsel, have agreed to Plaintiff's request to voluntarily dismiss its claims in this action with prejudice as to Plaintiff's rights to file any future action against Defendants arising out of the same facts, transactions or occurrences as the claims asserted in the above-captioned action, but without prejudice as to Plaintiff's rights to seek to pursue claims as a member of the Class certified in Case No. 2:05-CV-2367 (SRC)(CLW) (Dkt. Nos. 472-473), including seeking to participate in any settlement or judgment obtained on behalf of such Class; and

WHEREAS all parties have agreed to bear their own costs and attorneys' fees incurred in connection with this action;

IT IS HEREBY STIPULATED AND AGREED, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, and upon the stipulation and agreement of the parties, by and through their respective counsel, that Plaintiff's claims in the above-captioned action are hereby **DISMISSED** with prejudice to the filing of any future action by Plaintiff against

Defendants arising out of the same facts, transactions or occurrences as the claims asserted in the above-captioned action, and without prejudice to Plaintiff's right to seek to pursue claims as a member of the Class certified in Case No. 2:05-CV-2367 (SRC)(CLW), including seeking to participate in any settlement or judgment obtained on behalf of such Class, with all parties to bear their own costs and attorneys' fees. The parties reserve their respective rights to make any arguments with respect to any application by Plaintiff to pursue claims as a member of the Class certified in Case No. 2:05-CV-2367 (SRC)(CLW), except that the parties shall not cite either the fact of filing the above-captioned action or the fact of its dismissal pursuant to this Stipulation as an argument for, or against, participation in the Class.

STIPULATED AND AGREED:

Dated: June 13, 2013

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Dated: June 13, 2013

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SO ORDERED this _____ day of June 2013

HONORABLE STANLEY R. CHESLER, U.S.D.J.
United States District Judge